

12-cr-0152-2

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

VS.

JAMES KEVIN KERGIL,
Defendant/Appellant

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: SEP 27 2017

NOTICE OF APPEAL

PLEASE TAKE NOTICE that James Kevin Kergil, the defendant herein who is incarcerated at FPC Canaan, hereby appeals to the United States Court of Appeals for the Second Circuit (i) that Decision and Order entered in the captioned case on August 16, 2017, denying his request to have his sentenced reduced, and (ii) that decision filed September 5, 2017 denying the Defendant's request for reconsideration of the Decision and Order referenced above.

For the Defendant/Appellant : JAMES KEVIN KERGIL Pro Se
Registration No. 66387-054
FPC Canaan
P.O.Box 200
Waymart, PA 18472

For the United States of America : Sarah E. McCullum, Esquire
U.S. Attorney's Office
United States Courthouse
500 Pearl Street
New York, NY 10007

Dated : September 19, 2017

Respectfully submitted,


James Kevin Kergil, Pro Se
Registration No. 66387-054
FPC Canaan
P.O.Box 200
Waymart, PA 18472

UNSWORN DECLARATION UNDER PENALTY
OF PERJURY PURSUANT TO 28 U.S.C. 1746


I hereby declare under penalty of perjury as follows :

- 1) I am incarcerated at FPC Canaan in Waymart, PA and have been since July 10, 2016.
- 2) On September 19, 2017, I deposited the foregoing Notice of Appeal with sufficient first class postage affixed into the mail collection box located in my housing unit. Thus under F.R.A.P 4(c)(1), my Notice of Appeal is deemed timely filed.
- 3) Simultaneously with mailing the Notice of Appeal to the court, I served a copy of the Notice of Appeal upon the following by first class mail, postage prepaid :

Sarah E. McCullum, Esquire
U.S. Attorney's Office
United States Courthouse
500 Pearl Street
New York, NY 10007

Dated: September 19, 2017

Respectfully submitted,


James Kevin Kergil

JAMES KEVIN KERGIL
REG. NO. 66387-054
F.P.C. CANAAN
P.O.BOX 200
WAYMART, PA. 18472

SEPTEMBER 19, 2017

Clerk
United States District Court
for the Southern District of New York
United States Courthouse
500 Pearl Street
New York, NY 10007

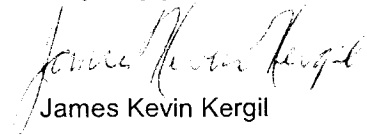
re: U.S. v. Kergil
Case No. 12-cr-00152-cm

Dear Sir or Madam:

Enclosed for filing is a Notice of Appeal relating to the referenced case. Inasmuch as I am incarcerated and am appearing pro se, I ask that you waive any electronic filing requirement.

Thank you for your assistance.

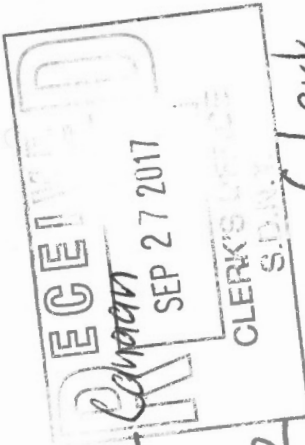
Very truly yours,



James Kevin Kergil

cc: Sarah E. McCullum, Esquire (w/enc.)

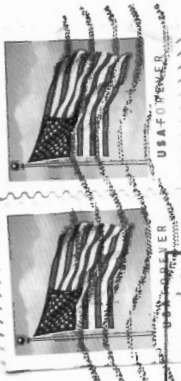
James Kevin Kergil
66387-054
Federal Prison Camp - Canton
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Appeals
MS

Clerk
United States District Court
For the Southern District of New York
United States Courthouse
500 Pearl Street

New York, N.Y. 10007



THIS CORRESPONDENCE IS FROM AN INMATE
CURRENTLY IN THE CUSTODY OF
THE FEDERAL BUREAU OF PRISONS